

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 18, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on September 18 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS
PRESENT:** Lynne M. Cooper, Citizen Member, President
Brenda Hale, R.N.
Peregrin Francisco, R.N., M.S.A.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Amy Davis, Administrative Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Students from Riverside School of Nursing and Bon Secours School of Nursing

**ESTABLISHMENT OF
A QUORUM:** With six members of the Board present, a quorum was established.

CONSIDERATION OF CONSENT ORDER:
Angela Rorrer, R.N. 0001-127241

Ms. Francisco moved to accept the consent order to indefinitely suspend the license of Angela Rorrer, with said suspension stayed contingent upon proof of Ms. Rorrer's entry into and continued compliance with a recovery monitoring contract with the Health Practitioners Intervention Program.
The motion was seconded and carried unanimously.

FORMAL HEARINGS: **Melanie Hope Leonhart Jones, RN 0001-178815**
Ms. Leonhart Jones appeared, accompanied by Christine Grubb, Case Manager, Health Practitioners Intervention Program.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board.
L. Diane Paarfus, court reporter, recorded the proceedings.

Martha Miller, LPN, Senior Investigator, Department of Health Professions; Christine Grubb, Case Manager, Health Practitioners Intervention Program; and (Crystal or Bristol ?) Dralean, sponsor; were present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:45 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Leonhart Jones. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:02 A.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing indefinitely suspend the license of Melanie Leonhart Jones, with said suspension stayed contingent upon Ms. Leonhart Jones' continued compliance with the recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:05 A.M.

RECONVENTION: The Board reconvened at 11:30 A.M.

FORMAL HEARINGS: **Elizabeth Rosenfield, R.N. 0001-123952**

Ms. Rosenfield and her attorney, David Allmon appeared and after consultation with Board staff and Board counsel signed a consent order.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:40 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Rosenfield. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:50 A.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the consent order to indefinitely suspend the registered nurse license of Elizabeth Rosenfield with said suspension stayed upon proof of entry into a recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusion and decisions.

RECESS: The Board recessed at 12:00 NOON

RECONVENTION: The Board reconvened at 1:05 P.M.

FORMAL HEARINGS: **Trina D. Spessert, R.N. 0001-208055**
Ms. Spessert appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Sabrina Shifflett, Director of the Family Birth Place, Rockingham Memorial Hospital was present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Spessert. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

The closed session was interrupted by a fire alarm at 2:30 P.M. and resumed at 2:45 P.M.

RECONVENTION: The Board reconvened in open session at 2:46 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.
The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing require Trina Spessert to provide evidence of completing the National Council of State Boards of Nursing courses “Documentation: A Critical Aspect of Client Care” and “Medication Errors: Detection and Prevention” within sixty days.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas left the meeting.

RECESS: The Board recessed at 2:50 P.M.

RECONVENTION: The Board reconvened at 2:57 P.M.

FORMAL HEARINGS: **Amy Garverick, L.P.N. 0002-055072**
Ms. Garverick appeared.

Anne Joseph, Deputy Director, Administrative Proceeding Division, represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Kimberly Lynch, R.N. Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Garverick. Additionally, Ms. Hale moved that Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:00 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board of Nursing continue the license of Amy Garverick on indefinite suspension, stay said suspension contingent upon entry into the Health Practitioners Intervention Program and remaining in compliance

with the recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Francisco left the meeting.

FORMAL HEARINGS: **Adam Whitaker, R.N. 0002-189851**
Mr. Whitaker did not appear.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. L. Diane Paarfus, court reporter, recorded the proceedings.

Debra Hay-Pierce, Investigator, Department of Health Professions and Jennifer Sears-Cockram, Substance Abuse Counselor, Health Practitioners Intervention Program were present and testified.

Ms. Douglas re-joined the meeting.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:35 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Whitaker. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:40 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board revoke the registered nursing license of Adam Whitaker

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 4:45 P.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

**VIRGINIA BOARD OF NURSING
TELEPHONE CONFERENCE CALL
September 18, 2008**

A telephone conference call meeting of the Virginia Board of Nursing was held September 18, 2008 at 8:45 A.M. The Board members participating in the meeting were Lynne M. Cooper, Citizen Member, President; Brenda Hale, R.N.; Peregrin C. Francisco, R.N., M.S.A.; Lawrence L. Logan, Citizen Member; G. Maxine Ponn, L.P.N.; Evelyn Lindsay, L.P.N.; Judith E. Piersall, R.N., B.S.N.; and Joyce A. Hahn, PhD., APRN, NEA-BC.

Others participating in the meeting were Howard M. Casway, Senior Assistant Attorney General; Wayne Halbleib, Assistant Attorney General; Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director; Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline; Linda Kleiner, R.N., Discipline Case Manager; Jane Elliott, R.N., Ph.D., Discipline Staff; Amy Davis, Administrative Assistant; and Mary Beth Shelton, Adjudication Specialist.

The meeting was called to order by Ms. Cooper. With eight members of the Board participating, a quorum was established. A poll of those participating showed that a good faith effort to convene a regular meeting within the week was not possible.

Wayne Halbleib, Assistant Attorney General, presented evidence that the continued nursing practice of Kimberly D. Cash, R.N. 0001-133964 may present a substantial danger to the health and safety of the public.

Ms. Hale moved to summarily suspend the license of Kimberly Cash pending a formal administrative hearing and to offer a consent order for indefinite suspension of her license in lieu of a formal hearing. The motion was seconded and carried unanimously.

The meeting was adjourned at 9:15 A.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
September 18, 2008**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 10:30 A.M., September 18, 2008 in Board Room 1, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Peregrin C. Francisco, R.N., M.S.A.
Brenda Hale, R.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member

STAFF PRESENT: Linda Kleiner, R.N., Discipline Case Manager

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:30 A.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Lindsay moved Ms. Kleiner attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 11:00 A.M.

Ms. Lindsay moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Investigative reports regarding three registered nurses were reviewed.

ACTION: Ms. Lindsay moved to close two of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.
The motion was seconded and carried unanimously.

Ms. Lindsay moved that one of the above individuals should be scheduled for an informal conference.
The motion was seconded and approved unanimously.

ADJOURNMENT: The Committee adjourned at 11:02 A.M.

Linda Kleiner, R.N.
Discipline Case Manager